

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
:
ERIKA STEVENSON :
Debtor(s) : NO. 20-13545 MDC

**STIPULATION and ORDER PURSUANT TO 11 USC §522(f) and Federal Rule of Bankruptcy
Procedure 4003(d) in Avoidance of Judicial Lien**

The Debtor(s), Erika Stevenson, by and through counsel, Kenneth E. West, Esquire of Douglass, West & Associates, and Creditor, Care Pavilion Nursing and Rehabilitation Center PA, L.P., it's successors and/or assigns (hereinafter referred to as Care Pavilion) by and through counsel, Robert M. Morris, Esquire, of Morris and Adelman, P.C. hereby file(s) this stipulation and order to in resolve of Care Pavilion judicial lien and in support thereof respectfully represent(s) as follows:

1. Debtor(s) commenced this case by filing a Voluntary Petition under Chapter 13 of the Bankruptcy code on August 31, 2020.
2. William C. Miller, Esquire has been appointed the Chapter 13 Trustee in this case.
3. Care Pavilion is a creditor in the above-mentioned filing.
4. On or about February 4, 2020, Care Pavilion, through their counsel, Robert M. Morris, Esquire obtained a judgment in Care Pavilion's favor against the debtor (Delaware County Court of Common Pleas No. CV-19-010667). Said judgment gave rise to a judicial lien in and on the real property owned by Debtor at 324 Westmont Dr., Collingdale PA 19023. The said judgment is entered of record.
5. At the time Debtor filed the instant bankruptcy petition, the value of the real estate was \$100,000.00.
6. Debtor's interest in the real estate is subject to a mortgage to MidFirst Bank in the amount of \$69,562.64.
7. The Debtor has claimed as exempt, \$25,150.00 under 11 USC §522(d)(1).

8. The existence of Care Pavilion's lien impairs exemptions to which the Debtor is entitled under 11 USC §522(b).
9. The aforesaid debt was duly listed on the debtor's schedules as debt in the above-captioned case.
10. Care Pavilion's aforesaid lien upon debtor's property is a judicial lien with the purview of 11 USC §522 (f)(1), and impairs debtor's aforesaid exemption within the meaning of 11 USC §522 (f), in that said property has been claimed as exempt under 11 USC §522 (d)(1).

WHEREAS it is the desire of the parties to resolve all matters and claims between the parties, which could be raised in a motion to avoid judicial lien pursuant to 11 USC §522(f) and Federal Rule of Bankruptcy Procedure 4003(d).

IT IS HEREBY STIPULATED AND AGREED by and among counsel for the debtor, KENNETH E. WEST and counsel for creditor, Care Pavilion, Robert M. Morris, Esquire that:

- 1) Care Pavilion's claim in the amount of approximately \$30,664.18 is allowed as a secured claim in the amount of \$5,287.36, with the remaining balance (\$25,376.82) being allowed as an unsecured claim (Care Pavilion's shall file amended Proof of Claim).
- 2) Upon successful completion of the plan and entry of the chapter 13 discharge, the Debtor is authorized to record copies of this stipulation and order with the Delaware County Court of Common Pleas and/or the Delaware County Recorder of Deeds.
- 3) The recording of this stipulation and order shall release any and all liens, encumbrances and/or judgments associated with Care Pavilion's claim against the property, namely 324 Westmont Dr., Collingdale PA 19023.
- 4) In the event that the chapter 13 plan in this case is not completed, then this stipulation shall not be recorded and Care Pavilion's claim shall not be treated as released.

5) The parties agree that a facsimile signature shall be considered an original signature.

All parties shall bear their own costs, and the signatories represent that the execution of this stipulation has been authorized by their respective principals.

IN WITNESS WHEREOF, the parties have executed this Stipulation, intending to be legally bound hereby, as of this 19th day of January, 2021.

BY:

Kenneth E. West
KENNETH E. WEST, ESQ
DOUGLASS, WEST & ASSOCIATES
Attorney for Debtor(s)

BY:

Robert M. Morris
ROBERT M. MORRIS, ESQ.
MORRIS and ADELMAN, P.C
Attorney for Care Pavilion

ORDER APPROVING STIPULATION

AND NOW, to wit, this 26th day of January, 2021, the above Stipulation be and hereby is APPROVED and entered as an Order of the Court, and the parties thereto are directed to comply therewith.

Upon successful completion of the Chapter 13 Plan and Discharge, the Debtor is authorized to record copies of this stipulation and order in the Delaware County Court of Common Pleas and/or the Delaware County Recorder of Deeds. In accordance with the terms of the stipulation, the recording of the stipulation shall constitute the release of any liens, encumbrances and/or judgments associated with Care Pavilion's claim against the property, known as 324 Westmont Dr., Collingdale PA 19023 (Delaware County Court of Common Pleas No. CV-19-010667).

BY THE COURT:

BY:

Magdeline D. Coleman
Magdeline D. Coleman
Chief U.S. Bankruptcy Judge

Copies to:

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